

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 06-15403  
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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT June 14, 2007 THOMAS K. KAHN CLERK
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D. C. Docket No. 00-00469-CV-J-32-TEM

GEORGE A. WILLIAMS,  
MICHAEL A. PERRYMAN,  
MICHAEL B. PRICE,  
JUDY C. SAULS, Personal  
Representative for the  
estate of Nolen A. Sauls,

Plaintiffs-Appellees,

NOLEN A. SAULS,

Plaintiff,

versus

CONSOLIDATED CITY OF JACKSONVILLE,

Defendant-Appellant,

RAYFIELD ALFRED,

Defendant.

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Appeal from the United States District Court  
for the Middle District of Florida

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**(June 14, 2007)**

Before CARNES and WILSON, Circuit Judges and STAGG,\* District Judge.

PER CURIAM:

The Consolidated City of Jacksonville appeals from the denial of its Renewed Motion For Judgment As A Matter Of Law And, In The Alternative, For A New Trial, after a jury found the City liable in this Title VII employment discrimination case. The case was brought by four Caucasian fire rescue lieutenants who alleged that rescue captain positions were not created by the City's African-American fire chief after he improperly considered their race, and that they would have been promoted into the newly created positions. The City contends on appeal that its motion for judgment as a matter of law should have been granted because the evidence was insufficient to support the jury's verdict, and because the district court erred in denying the City's *Batson*<sup>1</sup> challenges after the plaintiffs struck all African-American jurors from the jury pool. The City also contends that

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\*Honorable Tom Stagg, United States District Judge for the Western District of Louisiana, sitting by designation.

<sup>1</sup>*Batson v. Kentucky*, 476 U.S. 79, 102 S. Ct. 1712, 90 L.Ed.2d 69 (1986).

the district court abused its discretion by admitting evidence of later created positions, admitting evidence of a racial slur that was unduly prejudicial, and excluding the City's expert's report and admitting the plaintiff's expert report.

After reviewing the record, reading the parties' briefs and having the benefit of oral argument, we find no error as to any of the issues submitted for our consideration on this appeal.

**AFFIRMED.**